

**City Hall, Room 450
801 Plum Street
Cincinnati, Ohio 45202-5704**

**Michael R. Moore
Director**

**Don Gindling
City Engineer**

Policy: Policy for Wireless Right-of-Way Permit Fee under CMC Chapter 719

Director Michael R. Moore

Date 4.11.2017

Pursuant to the management authority of the Director of the Department of Transportation and Engineering (“DOTE”) over City streets under Article 5 of the Cincinnati Administrative Code and the authority conferred on the Director under Cincinnati Municipal Code (“CMC”) Chapter 719, “Wireless Communications Facilities in the Right of Way,” and CMC § 721-35, “Rules and Schedules,” the Director hereby adopts the following guidance and baseline application fees for applications for wireless communication facilities in the public right-of-way (“ROW”).

Wireless ROW Permit Fee Requirement

In accordance with CMC § 719-5 and the accompanying ROW Wireless Detailed Design Guidelines and Examples, an applicant for installation of a wireless communication facility in the ROW must pay a permit application fee in an amount calculated by DOTE to recover the City’s actual costs of permit review. Under CMC § 719-9, approval of an application includes approval of both (1) a permit to construct/install the facility and (2) a wireless facility ROW occupancy permit. For ease of administration, the single combined application fee set forth below is inclusive of DOTE application review costs for both permits.

Wireless ROW Permit application fees vary with on the category of application under CMC § 719-7. The baseline application fees are as follows:

<i>Application Fee**</i> (per facility)	<i>Application Type</i>
\$160	Type I (qualifying minor modification to existing support structure)
\$197	Type II (qualifying major modification to existing support structure)
\$284	Type III (new potential support structure or new tower)

**The above fees include both the costs of (1) application and plan review and (2) the construction/equipment permit. Prior to issuance of permits, DOTE will determine whether the baseline application fee adequately covers its actual review costs and revise the fee amount as necessary. Actual

permit fees may vary if, for example, the application requires an unusually large street opening or if unusual elements of the application require additional staff review time. (Additional detailed cost calculation information is included below.) CMC § 719-13 requires that all application fees be paid prior to issuance of a permit.

Detailed Cost Calculation Information

(1) Application and Plan Review Portion of Costs.

- a. Supervising Engineer top-step hourly rate is \$44.89; Fringes / Benefits are an additional 63.59%. Total hourly costs for permit review = $(\$44.89) + (\$44.89)(.6359) = \$73.44$.
- b. Typical Review Time and Cost
 - i. Type I estimated at 1 hour, totaling \$74.
 - ii. Type II estimated at 1.5 hours, totaling \$111.
 - iii. Type III estimated at 2.5 hours, totaling \$184.
- c. **Additional review time beyond estimated typical review that is required for unusual or complicated applications will incur additional charges for actual time incurred at the hourly rate of \$74.

(2) Construction Permit and Inspection Portion of Costs

- a. Type I and II. Installation of a Type I or II facility requires an \$86 Equipment Permit fee covering the costs of overseeing installation of new equipment in the ROW. This fee is listed in the DOTE fee schedule adopted under CMC § 721-35 (available for download on DOTE's website) and consists of a \$36 administrative fee and a \$50 inspection fee.
- b. Type III. New construction in the ROW requires a street opening permit and corresponding fee calculated based on the DOTE fee schedule adopted under CMC § 721-35 (available for download on DOTE's website).
 - i. The typical street opening fee for new pole construction is approximately \$100 depending on the type of restoration required (sod, sidewalk, etc.). This assumes a disturbed area of 3' x 3', so this fee could end up being higher if the permit application includes additional street openings (e.g., for running fiber to the pole).
 - ii. Note that street opening fees are estimated up front based on projected restoration quantities, and the final bill is based on final as-built quantities measured by the DOTE inspector. Credit balances are returned to the applicant and a bill is sent for any additional balance due.
 - iii. The street opening fees also include a base administrative fee of \$36.00 plus an additional fee of \$0.20 per unit of restoration. This is separate and in addition to

the application and plan review fee – it covers administrative staff time associated with closing out the permit after the work is finished and inspected.

(3) Recovery of Additional Costs Incurred in Processing Application

CMC § 719-5(c) provides that DOTE may charge for recovery of additional, reasonable costs incurred in its analysis, evaluation, and response to an application if the actual costs of review exceed the application fee. No construction or wireless ROW permits shall issue until and unless the applicant pays the application fee and such additional costs as are authorized to be recovered. Any additional costs sought to be recovered by DOTE for use of outside permit review consultants will be subject to the applicant notification process under CMC § 719-5(c)(1), which requires prior written notice from the City with an estimate of the cost of review.

All contractor communications in connection with the above should be submitted to:

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City of Cincinnati
Department of Transportation and Engineering
Right of Way Management
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